

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

TYRONE MARSHALL BENNETT,
#16014805,

Plaintiff,

v.

LURLENE WALLS, et al.,

Defendants.

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Civil Action No. **3:18-CV-3051-L**

ORDER

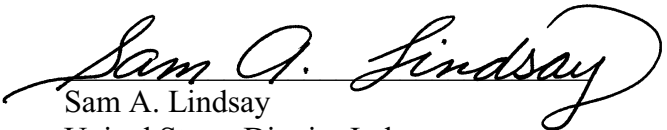
On December 14, 2018, the Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) (Doc. 9) were entered in this case, recommending that the court deny Plaintiff’s Motion for Temporary Restraining Order (Doc. 12). No objections to the Report were filed.

After considering the motion, file, record in this case, and Report, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. Accordingly, the court **denies** Plaintiff’s Motion for Temporary Restraining Order (Doc. 12).

The court prospectively **certifies** that any appeal of this action would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a)(3). In support of this certification, the court **incorporates** by reference the Report. *See Baugh v. Taylor*, 117 F.3d 197, 202 and n.21 (5th Cir. 1997). The court **concludes** that any appeal of this action would present no legal point of arguable merit and would, therefore, be frivolous. *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). In the event of an appeal, Plaintiff may challenge this certification by filing a separate motion to proceed

in forma pauperis on appeal with the clerk of the United States Court of Appeals for the Fifth Circuit. *See Baugh*, 117 F.3d at 202; Fed. R. App. P. 24(a)(5).

It is so ordered this 18th day of January, 2019.


Sam A. Lindsay
United States District Judge